

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/CIVIL REVISION APPLICATION NO. 147 of 2025****With****CIVIL APPLICATION (FOR STAY) NO. 1 of 2025
In R/CIVIL REVISION APPLICATION NO. 147 of 2025**

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RAKESHBHAI ARVINDLAL SONI & ORS.**Versus****CHATURIBEN D/O SAVJIBHAI DHANABHAI PATEL & ORS.**

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Appearance:**MR MJ MEHTA(5797) for the Applicant(s) No. 1,2,3,4,5,6,7,8,8.1,8.2,8.3,9****MR NANDISH H SHAH(11330) for the Applicant(s) No.****1,2,3,4,5,6,7,8,8.1,8.2,8.3,9****MR SAURABH J MEHTA(2170) for the Applicant(s) No.****1,2,3,4,5,6,7,8,8.1,8.2,8.3,9**

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CORAM:HONOURABLE MR.JUSTICE SANJEEV J.THAKER**Date : 06/03/2025****ORAL ORDER**

1. The present Civil Revision Application has been filed challenging the order passed on 12.07.2024 by the Additional Civil Judge, Godhra below exhibit-1 in Regular Civil Suit no.87 of 2024.
2. Learned advocate for the petitioner stated that the Trial Court has *suo moto* taken cognizance of the fact that the plaint is barred by law and the fact remains that there is no application from the applicant under the provisions of Order VII Rule 11 of the Code of Civil Procedure, 1908, after giving opportunity to the parties to the suit, the High Court has rejected the application by order dated 12.07.2024 and as the suit is within a period of limitation.

3. The fact remains that in RTS/PNCHM/65/2012, all the plaintiffs were parties to the said proceedings and in the said proceedings are of the year 2012 and in the said proceedings also, the plaintiffs were aware of the said saledeed under challenge., more particularly the saledeed executed at entry no.3080. Therefore, it has been stated that the plaintiffs having knowledge of the present proceedings could not have filed the suit in the year 2024, more particularly at para no.12 of the plaint, the plaintiff has alleged that the plaintiff came to the knowledge of the suit transaction only after he got certified copy from the revenue entry but the fact remains that in the year 2012, the plaintiff was aware of the sale transaction.
4. In view of the said fact, the matter requires consideration.
5. Issue **Notice** returnable on **27.03.2025**. Direct service is permitted through RPAD.
6. In the meantime, let there be interim relief in terms of para 8(B) of the Civil Application (For Stay) No.1 of 2025, to the effect that further proceedings of Civil Suit no.87 of 2024 are stayed till the next date of hearing.

(SANJEEV J.THAKER,J)

URIL RANA